IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 824 OF 2006.

Nandkishor Gunaji Sawant. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri S.P.Kanuga i/by Shri S.R.More for the Applicant.

Shri A.S.Shitole, A.P.P. for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 27th November, 2006.

P.C.:

1. Criminal Application No.2783 of 2006 was admitted by this Court by passing the following order on 14th September 2006:

> "Rule returnable early. No interim relief. As of today the Applicant does not possess the requisite licence. It is stated that the application for licence made by the Applicant is pending. Liberty to apply as and when licence is granted in favour of the Applicant."

The present application is made for return of the property on the basis of a licence which was allegedly granted to the Applicant on 26th May 2006 in respect of some other premises. The said licence was very much available to the Applicant on 14th September 2006 when the aforesaid order was passed. The liberty granted by

order dated 14th September 2006 can be availed of only if the licence is granted to the Applicant in respect of the premises in respect of which the alleged offence has been registered. Though the alleged licence dated 26th May 2006 was very much available on the date on which the order was passed, no prayer was made on the basis of the said licence. No relief can be granted to the Applicant on the basis of the licence which is annexed to this Application. Hence the Application is rejected.

Judge.